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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10 e.Digital Corporation,
11 Plaintiff,
12
13 vs.
14 Verbatim Americas, LLC,
15 Defendant.

Case No. 3:13-cv-02943-H-BGS

[DEMAND FOR JURY TRIAL]

**DEFENDANT VERBATIM
AMERICAS, LLC'S NOTICE OF
MOTION AND MOTION TO
DISMISS COMPLAINT FOR
FAILURE TO STATE A CLAIM**

Date: May 19, 2014, 2014
Time: 10:30 a.m.
Courtroom: 15A
Judge: Hon. Marilyn L. Huff

[Memorandum of Points and
Authorities Filed Concurrently
Herewith]

1 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 19, 2014 at 10:30 a.m., or as soon
3 thereafter as counsel may be heard before the Honorable Marilyn L. Huff in
4 Courtroom 15A of the United States District Court for the Southern District of
5 California, located at 333 West Broadway, San Diego, California, defendant
6 Verbatim Americas, LLC (“Verbatim”) will and hereby does move this Court
7 pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for an order
8 dismissing Plaintiff e.Digital Corporation’s First Amended Complaint for Patent
9 Infringement.

10 This motion is based upon this Notice of Motion and Motion, the
11 concurrently filed Memorandum of Points and Authorities, all pleadings and
12 papers filed in this action, and all such other arguments and evidence as may
13 properly come before this Court.

14
15 Dated: April 15, 2014

BARNES & THORNBURG LLP

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17 By s/Levi W. Heath
18 Attorneys for Defendant
19 VERBATIM AMERICAS, LLC
20 E-Mail: levi.heath@btlaw.com
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 300, Los Angeles, California 90067. On April 15, 2014, I served the foregoing document(s) described as: **DEFENDANT VERBATIM AMERICAS, LLC'S NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT FOR FAILURE TO STATE A CLAIM** on the interested party(ies) below, using the following means:

☒ BY CM/ECF I caused the documents to be electronically filed with the Clerk of the Court through CM/ECF System, and that CM/ECF System will send a notice of electronic filing to the parties noted on the attached Electronic Mail Notice List.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 15, 2014 at Los Angeles, California.

David B. Kirvan

[Print Name of Person Executing Proof]

[Signature]

Mailing Information for a Case 3:13-cv-02943-H-BGS e.Digital Corporation v. Verbatim America, LLC

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Pamela Chalk**
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- **Anton N Handal**
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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)